

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

vs

Raymond McDermott

AFFIDAVIT PURSUANT TO
RULE 44(c) FRCrP.

CASE NO: 00-6035-CR-Zloch

I, Raymond McDermott, having been duly sworn and having been advised by the court that my sworn statements herein will be considered to be the same as if I had made these statements under oath in open court before the United States Magistrate Judge, I hereby swear as follows:

1. Pursuant to Rule 44(c), The Honorable Barry S. Seltzer, United States Magistrate Judge, has advised me of his duty to inquire of my attorney and of the Government's attorney whether a conflict of interest is likely to arise in my case. Judge Seltzer, in open court, made such inquiry in my presence and I understand the nature of the inquiry and the responses by my attorney and by the Government's attorney.

2. In open court in my presence, Judge Seltzer also thoroughly advised me of my constitutional rights to a fair trial; the purpose of such a right; the ramifications if convicted; and the right to an individual and competent lawyer whose concern is only with my separate and individual interests.

3. Judge Seltzer also advised me that after receiving the permitted discovery in my case, I should speak with my lawyer at length and decide whether to continue with joint representation or seek separate counsel.

4. Judge Seltzer has also explained to me the nature of a conflict; the form it may take; the ramifications of conflict and my right for a lawyer to be appointed for me, without charge, if I am unable to afford a lawyer.

5. I clearly understand all of the above, have discussed the issue of possible conflict with my attorney and hereby decide as follows:

(a) I, Raymond McDermott, am satisfied to continue to be represented by my present lawyer even though this may involve a waiver of my constitutional rights as explained to me by Judge Seltzer I make this decision knowingly, intelligently and voluntarily.

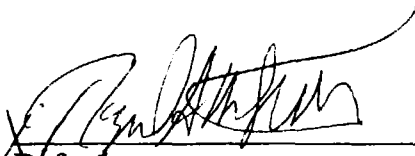
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(b) I, n/a, am not satisfied to continue to be represented jointly with my other defendant(s) and hereby inform the court that I will seek separate counsel not associated with my present lawyer. I make this decision knowingly, intelligently and voluntarily.

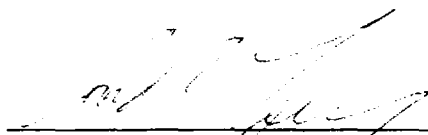
(c) I, n/a, desire to be represented by another attorney and understand that any extensions of time or continuances necessitated by my decision will be deemed to be excludable time under the Speedy Trial Act. I make this decision knowingly, intelligently and voluntarily.

(d) I, n/a, am not satisfied to continue to be represented by my present lawyer and I cannot afford to retain an attorney and hereby request the Court to appoint an attorney for me. Attached to this affidavit is a separate affidavit setting forth my entire financial status and all assets available to me. I make this decision knowingly, intelligently and voluntarily.

I understand that my statements herein and any affidavits attached hereto are made under oath, are made as if said in open court to the Honorable Barry S. Seltzer, and that if I have not told the truth I will become subject to separate felony criminal charges of perjury or making a false statement.




Defendant



WITNESS: Attorney of Record

Sworn to and subscribed before me this 16 day of March, 2000.



BARRY S. SELTZER
United States Magistrate Judge